EXHIBIT A

JODI DENISE THORP
California State Bar No. 223667
427 "C" Street, Suite 300
San Diego, California 92101
Telephone: (619) 233-3169 x 14
Fax: (619) 684-3569
email: jodithorp@thorplawoffice.com

Counsel for Ms. Moran

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(HONORABLE LARRY A. BURNS)

UNITED STATES OF AMERICA, Plaintiff, v. BLANCA ESTELA MORAN, Defendant.	CASE NO. 07CR3116-LAB DATE: February 25, 2008 TIME: 9:30 A.M. Declaration of Jose Leano.

I, Jose Leano, declare under penalty of perjury:

1. I have been employed an investigator with the Federal Defenders of San Diego for 15 years.

2. One of my job descriptions includes inspecting cars related to federal cases.

3. Over the years, I have conducted over 80 car inspections

4. Specifically, I am trained to inspect whether a vehicle has sustained any modifications or whether a car has any non-manufactured specially built compartments.

5. I conducted a vehicle inspection of the Ford Contour in the above referenced case.

6. Attorney Jodi Thorp, Investigator Aaron Rodebaugh, and two government agents were present during the inspection.

7. I photographed the Ford Contour with VIN:1FAFP6630YK124902.

8. Exhibit 1 depicts the trunk area of the 1999 Ford Contour. A speaker box covers half of the trunk's cargo space. The speaker box was not bolted or fastened in any way.

9. Exhibit 2 depicts the trunk area without the speaker box. There is no modification made to the trunk area and no specially built compartment is found.

10. Exhibit 3 depicts the rear seat of the Ford Contour. There is no alteration to the rear seat.

11. Exhibit 4 depicts an emergency handle located in the trunk area. This release is a safety defice provided by the manufacturer. In an emergency circumstance, this emergency handle releases the trunk open in the even that a person is trapped inside the trunk. This release, florescent in color, was tested and it was functional. It operates by pulling in any direction.

12. Exhibit 5 depicts the exhaust pipe and muffler of the Ford Contour. The exhaust pie does not show any rust spots, cracks or holes that would let the exhaust fumes escape.

13. Exhibit 6 depicts the muffler. The muffler has the tail pipe welded to it and does not show any damage. The tail pipe directs the exhaust fumes to the rear and out of the vehicle.

14. In the event that someone gets trapped inside the trunk of the Ford Contour, there are two courses of action that a person can take if the person is running out of air. The first one, is to pull the handle and release the trunk open. The second is to push up the cardboard cover located underneath the rear window. See Exhibit 7.

15. The Ford Contour has a factory speaker opening already pre-cut.

I swear that to the best of my knowledge and memory, the foregoing is true and correct.

DATED: February 21, 2008

/s/
JOSE LEANO
Investigator

EXHIBIT 1

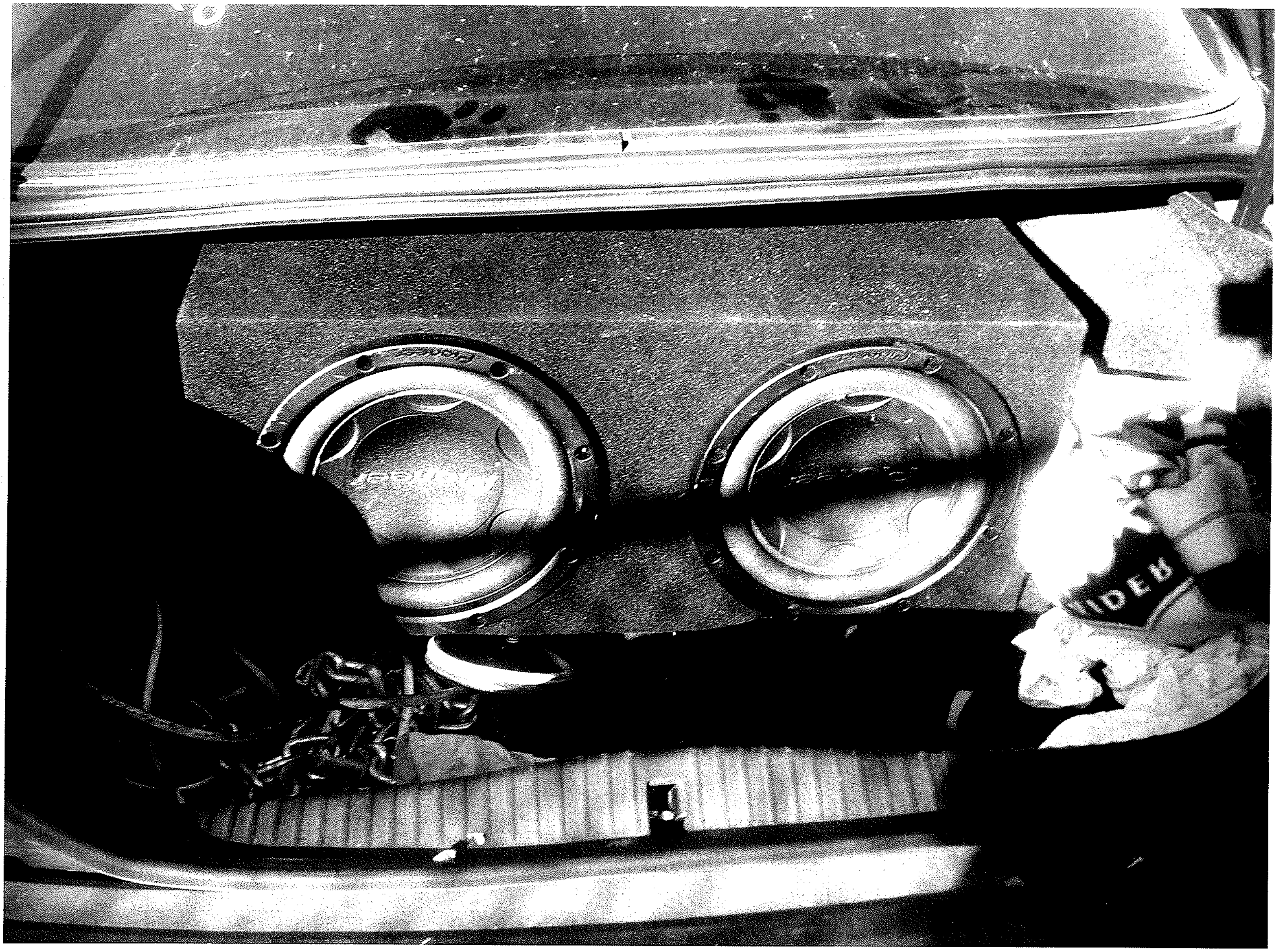


EXHIBIT 2

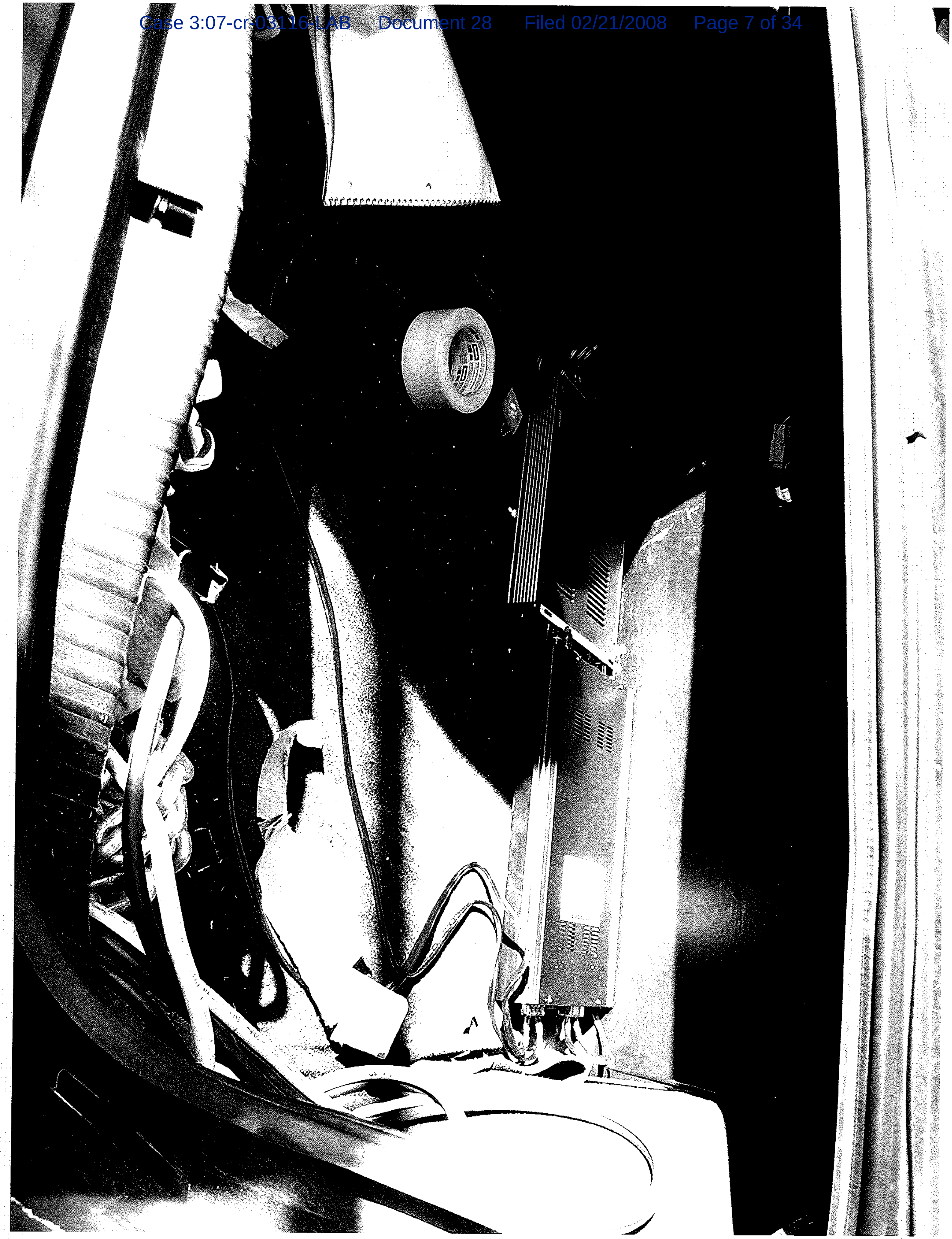


EXHIBIT 3

EXHIBIT 4

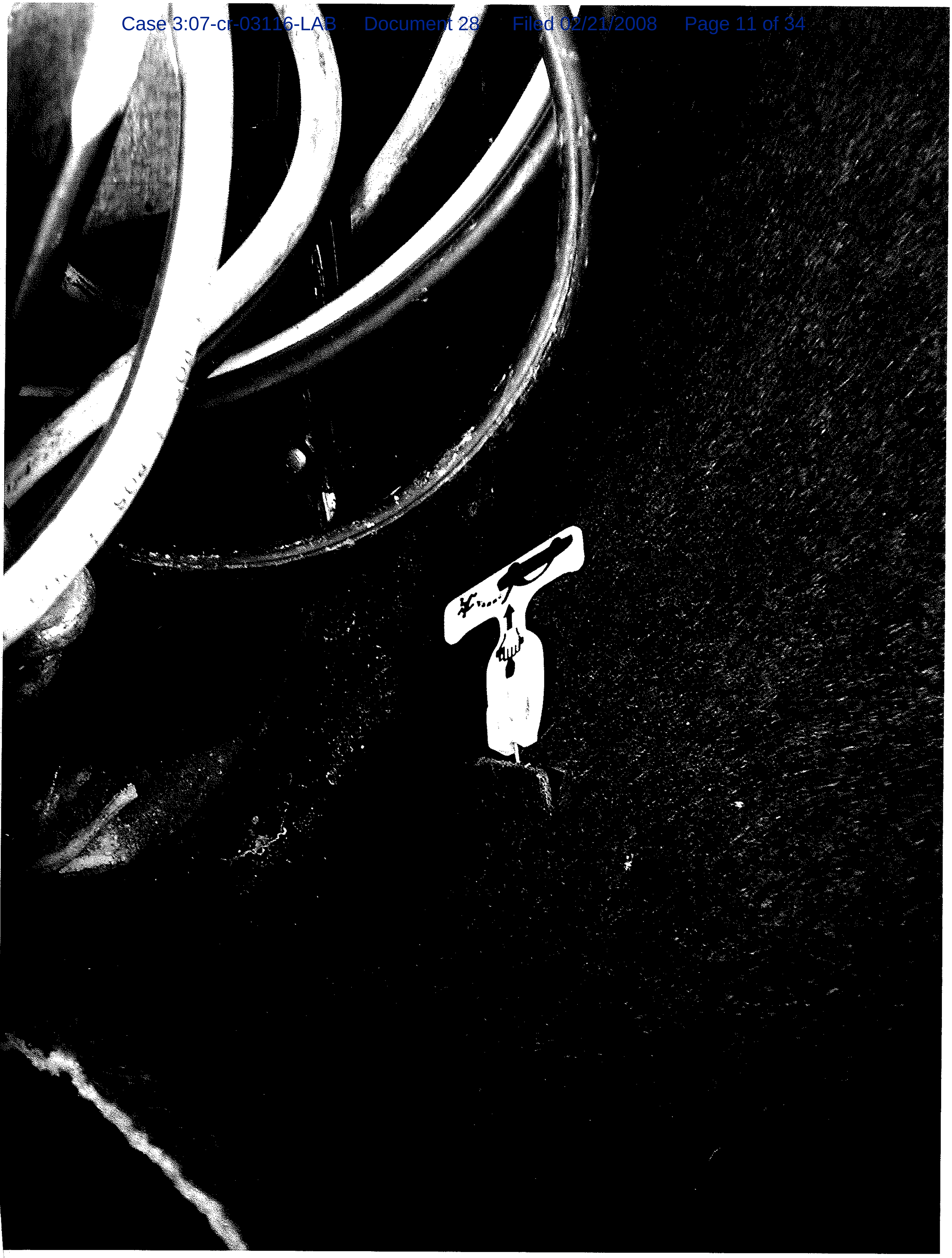


EXHIBIT 5

EXHIBIT 6

EXHIBIT 7

EXHIBIT B

JODI D. THORP
California State Bar No. 223663
Law Offices of Jodi Thorp
427 C. Street, Suite #300
San Diego, California 92101
Telephone: (619) 233-3169, x.16

Attorneys for Ms. Moran

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(HONORABLE LARRY A. BURNS)

UNITED STATES OF AMERICA, Plaintiff, v. BLANCA ESTELA MORAN Defendant.	)	Case No. 07CR3116-LAB DECLARATION OF JOSE CASTRO DE LA CRUZ

I, Jose Castro de la Cruz, hereby declare:

1. I am a material witness in the above-captioned case.
2. On October 15, 2007, Ms. Blanca Moran was arrested at the San Ysidro Port of Entry in a 2000 Ford Sedan.
3. The defendant, Ms. Blanca Moran is my common law wife.
4. Blanca and I have been in a relationship for approximately 7 years.
5. Together, we have two children, ages 7 and 8.
6. Both of our children are United States Citizens.
7. In October of 2007, shortly before Blanca's arrest, my father passed away.
8. Blanca and I traveled to Rosarito together to attend my father's funeral service.
9. After the funeral service, Blanca returned to the United States because our children are in school.

10. I traveled to Acapulco by plane to attend the burial services.

11. When I returned from Acapulco, Blanca picked me up at the airport in Tijuana as planned.

12. The night of October 14, 2007, I asked Blanca to drive me to the United States in the Ford 2000 Sedan.

13. Blanca agreed to drive me.

14. This was not previously planned.

15. I had been in the 2000 Ford Sedan before and am familiar with the vehicle.

16. The Ford Sedan has a speaker box that takes up most of the trunk.

17. The speaker box is separated from the main area of the car by a partition.

18. I removed the speaker box and entered the Ford Sedan through the back.

19. The speaker box was not sealed or bolted in any way.

20. Other people were present when I entered the Ford Sedan.

21. After I entered the vehicle, the speaker box was replaced.

22. When in the Sedan, in the area between the speaker box and the back seat, I felt safe.

23. I never felt like I was in danger when riding in the Sedan in this manner.

24. It felt as if I were riding in the back of a car.

25. There was good ventilation where I was riding.

26. I could not smell anything like gas, smoke, or fumes the entire time I was in the Sedan.

27. I could move in the area I was riding.

28. Had I needed to get out of the Sedan, I could have done so on my own.

29. One way I could get out of the Sedan is by pushing the speaker box and the partition.

30. The way I was situated, I could push the speaker box without any trouble.

31. There is a lever on the inside of the trunk of the car that I could use to exit through the trunk if I needed to.

I certify that this declaration was read to me in the Spanish language before I signed it. I swear that, to the best of my knowledge and memory, the foregoing is true and correct.

Dated: 4-12-07

Jose Castro de la Cruz
Jose Castro De la Cruz

EXHIBIT C

Denny's
Real breakfast 24/7.
Prices and participation may vary. For a limited time only. ©2008 DFO, LLC

History for San Diego Brown, CA

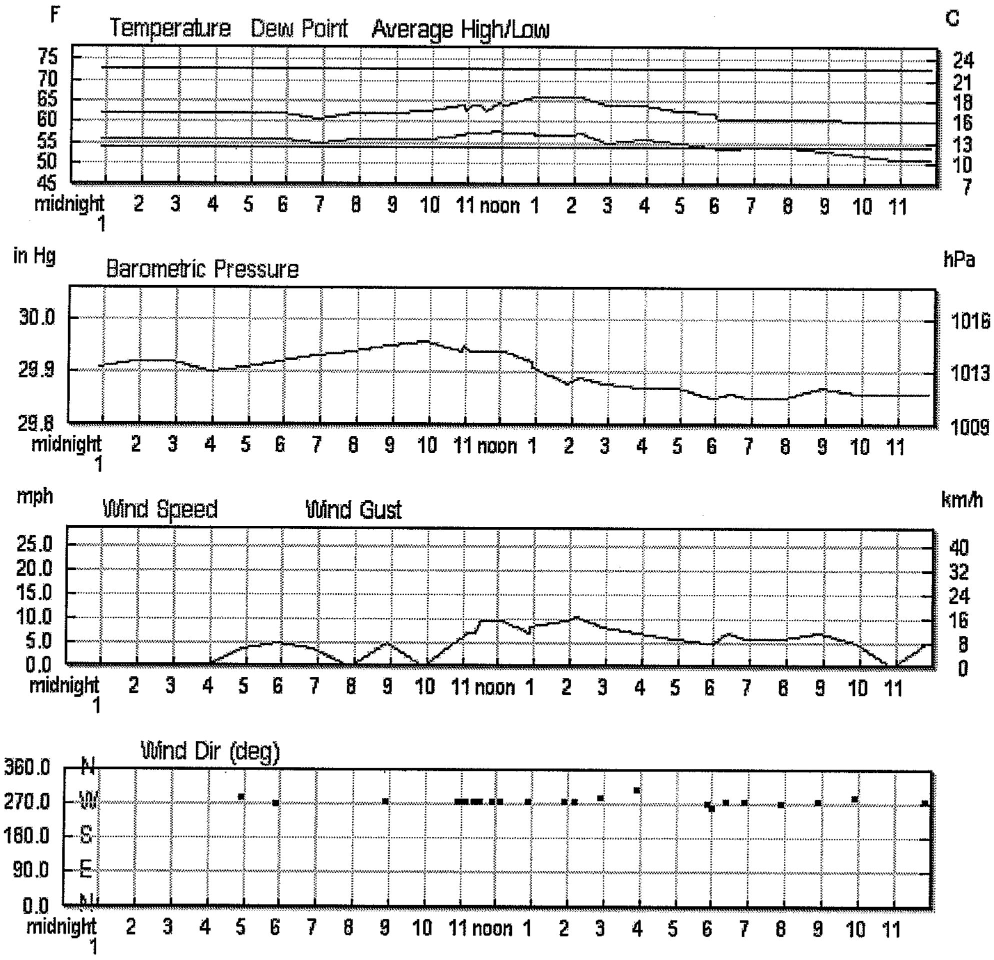
Monday, October 15, 2007

Daily Summary

	Actual:	Average :	Record :
Temperature:			
Mean Temperature	**64** °F / **17** °C	-	
Max Temperature	**67** °F / **19** °C	-	**96** °F / **35** °C (1958)
Min Temperature	**61** °F / **16** °C	-	**46** °F / **7** °C (1960)
Degree Days:			
Heating Degree Days	1		
Month to date heating degree days	22		
Since 1 July heating degree days	30		
Cooling Degree Days	0		
Month to date cooling degree days	22		
Year to date cooling degree days	625		
Growing Degree Days	13 (Base 50)		
Moisture:			
Dew Point	**56** °F / **13** °C		
Average Humidity	79		
Maximum Humidity	84		
Minimum Humidity	73		
Precipitation:			
Precipitation	**0.00** in / **0.00** cm	-	**0.01** in / **0.03** cm (200
Month to date precipitation	0.06		
Year to date precipitation	4.73		
Since 1 July precipitation	0.20		
Snow:			
Snow	**0.00** in / **0.00** cm	-	- ()
Month to date snowfall	0.0		
Year to date snowfall	0.0		
Since 1 July snowfall	0.0		
Snow Depth	-		
Sea Level Pressure:			
Sea Level Pressure	**29.91** in / **1013** hPa		
Wind:			
Wind Speed	**4** mph / **6** km/h (West)		

Max Wind Speed	**13** mph / **21** km/h
Max Gust Speed	**18** mph / **29** km/h
Visibility	**8** miles / **13** kilometers
Events	

T = Trace of Precipitation, **MM** = Missing Value **Source:** NWS Daily


F
Temperature Dew Point Average High/Low
C
75
70
65
60
55
50
45
24
21
18
16
13
10
7
midnight 1 2 3 4 5 6 7 8 9 10 11 noon 1 2 3 4 5 6 7 8 9 10 11
in Hg
Barometric Pressure
hPa
30.0
29.9
29.8
1016
1013
1009
mph
Wind Speed Wind Gust
km/h
25.0
20.0
15.0
10.0
5.0
0.0
40
32
24
16
8
0
Wind Dir (deg)
360.0
270.0
180.0
90.0
0.0
N
W
S
E
N

Hourly Observations

Time (PDT):	Temp.:	Dew Point:	Humidity:	Sea Level Pressure:	Visibility:	Wind Dir:	Wind Speed:	Gust Speed:	Precip:	Events:	C
12:53 AM	**62.1** °F / **16.7** °C	**55.9** °F / **13.3** °C	80%	**29.91** in / **1012.7** hPa	**8.0** miles / **12.9** kilometers	Calm	Calm	-	N/A		O
1:53 AM	**62.1** °F / **16.7** °C	**55.9** °F / **13.3** °C	80%	**29.92** in / **1013.2** hPa	**7.0** miles / **11.3** kilometers	Calm	Calm	-	N/A		O
2:53 AM	**62.1** °F / **16.7** °C	**55.9** °F / **13.3** °C	80%	**29.92** in / **1013.0** hPa	**7.0** miles / **11.3** kilometers	Calm	Calm	-	N/A		O
3:53 AM	**62.1** °F / **16.7** °C	**55.9** °F / **13.3** °C	80%	**29.90** in / **1012.4** hPa	**7.0** miles / **11.3** kilometers	Calm	Calm	-	N/A		O
4:53	**62.1** °F	**55.9** °F		**29.91** in /	**7.0** miles /		**3.5** mph /				

AM	/ 16.7 °C	/ 13.3 °C	80%	1012.6 hPa	11.3 kilometers	WNW	5.6 km/h / 1.5 m/s	-	N/A	O
5:53 AM	62.1 °F / 16.7 °C	55.9 °F / 13.3 °C	80%	29.92 in / 1013.0 hPa	7.0 miles / 11.3 kilometers	West	4.6 mph / 7.4 km/h / 2.1 m/s	-	N/A	O
6:53 AM	61.0 °F / 16.1 °C	55.0 °F / 12.8 °C	81%	29.93 in / 1013.5 hPa	8.0 miles / 12.9 kilometers	Variable	3.5 mph / 5.6 km/h / 1.5 m/s	-	N/A	O
7:53 AM	62.1 °F / 16.7 °C	55.9 °F / 13.3 °C	80%	29.94 in / 1013.6 hPa	6.0 miles / 9.7 kilometers	Calm	Calm	-	N/A	H
8:53 AM	62.1 °F / 16.7 °C	55.9 °F / 13.3 °C	80%	29.95 in / 1014.1 hPa	6.0 miles / 9.7 kilometers	West	4.6 mph / 7.4 km/h / 2.1 m/s	-	N/A	H
9:53 AM	63.0 °F / 17.2 °C	55.9 °F / 13.3 °C	78%	29.96 in / 1014.3 hPa	8.0 miles / 12.9 kilometers	Calm	Calm	-	N/A	O
10:53 AM	64.0 °F / 17.8 °C	57.0 °F / 13.9 °C	78%	29.94 in / 1013.8 hPa	7.0 miles / 11.3 kilometers	West	5.8 mph / 9.3 km/h / 2.6 m/s	-	N/A	O
10:59 AM	62.6 °F / 17.0 °C	57.2 °F / 14.0 °C	82%	29.95 in / 1014.1 hPa	6.0 miles / 9.7 kilometers	West	5.8 mph / 9.3 km/h / 2.6 m/s	-	N/A	H
11:08 AM	64.4 °F / 18.0 °C	57.2 °F / 14.0 °C	77%	29.94 in / 1013.8 hPa	6.0 miles / 9.7 kilometers	West	6.9 mph / 11.1 km/h / 3.1 m/s	-	N/A	H
11:21 AM	64.4 °F / 18.0 °C	57.2 °F / 14.0 °C	77%	29.94 in / 1013.8 hPa	6.0 miles / 9.7 kilometers	West	6.9 mph / 11.1 km/h / 3.1 m/s	-	N/A	H
11:30 AM	62.6 °F / 17.0 °C	57.2 °F / 14.0 °C	82%	29.94 in / 1013.8 hPa	6.0 miles / 9.7 kilometers	West	9.2 mph / 14.8 km/h / 4.1 m/s	-	N/A	H
11:53 AM	64.9 °F / 18.3 °C	57.9 °F / 14.4 °C	78%	29.94 in / 1013.6 hPa	6.0 miles / 9.7 kilometers	West	9.2 mph / 14.8 km/h / 4.1 m/s	-	N/A	H
12:04 PM	64.4 °F / 18.0 °C	57.2 °F / 14.0 °C	77%	29.94 in / 1013.8 hPa	7.0 miles / 11.3 kilometers	West	9.2 mph / 14.8 km/h / 4.1 m/s	-	N/A	O
12:51 PM	66.2 °F / 19.0 °C	57.2 °F / 14.0 °C	73%	29.92 in / 1013.1 hPa	6.0 miles / 9.7 kilometers	Variable	6.9 mph / 11.1 km/h / 3.1 m/s	-	N/A	H
12:53 PM	66.0 °F / 18.9 °C	57.0 °F / 13.9 °C	73%	29.91 in / 1012.7 hPa	6.0 miles / 9.7 kilometers	West	8.1 mph / 13.0 km/h / 3.6 m/s	-	N/A	H
1:53 PM	66.0 °F / 18.9 °C	57.0 °F / 13.9 °C	73%	29.88 in / 1011.9 hPa	7.0 miles / 11.3 kilometers	West	9.2 mph / 14.8 km/h / 4.1 m/s	-	N/A	M C
2:09 PM	66.2 °F / 19.0 °C	57.2 °F / 14.0 °C	73%	29.89 in / 1012.1 hPa	6.0 miles / 9.7 kilometers	West	10.4 mph / 16.7 km/h / 4.6 m/s	-	N/A	H
2:53 PM	64.0 °F / 17.8 °C	55.0 °F / 12.8 °C	73%	29.88 in / 1011.6 hPa	6.0 miles / 9.7 kilometers	WNW	8.1 mph / 13.0 km/h / 3.6 m/s	-	N/A	H
3:53 PM	64.0 °F / 17.8 °C	55.9 °F / 13.3 °C	75%	29.87 in / 1011.4 hPa	9.0 miles / 14.5 kilometers	NW	6.9 mph / 11.1 km/h / 3.1 m/s	18.4 mph / 29.6 km/h / 8.2 m/s	N/A	O
4:53	63.0 °F	55.0 °F		29.87 in /	10.0 miles /		5.8 mph /			

PM	/ 17.2 °C	/ 12.8 °C	75%	1011.4 hPa	16.1 kilometers	Variable	9.3 km/h / 2.6 m/s	-	N/A	O
5:53 PM	62.1 °F / 16.7 °C	54.0 °F / 12.2 °C	75%	29.85 in / 1010.6 hPa	10.0 miles / 16.1 kilometers	West	4.6 mph / 7.4 km/h / 2.1 m/s	-	N/A	M C
6:00 PM	60.8 °F / 16.0 °C	53.6 °F / 12.0 °C	77%	29.85 in / 1010.7 hPa	10.0 miles / 16.1 kilometers	West	4.6 mph / 7.4 km/h / 2.1 m/s	-	N/A	P C
6:21 PM	60.8 °F / 16.0 °C	53.6 °F / 12.0 °C	77%	29.86 in / 1011.1 hPa	10.0 miles / 16.1 kilometers	West	6.9 mph / 11.1 km/h / 3.1 m/s	-	N/A	M C
6:53 PM	61.0 °F / 16.1 °C	54.0 °F / 12.2 °C	78%	29.85 in / 1010.6 hPa	10.0 miles / 16.1 kilometers	West	5.8 mph / 9.3 km/h / 2.6 m/s	-	N/A	O
7:53 PM	61.0 °F / 16.1 °C	54.0 °F / 12.2 °C	78%	29.85 in / 1010.8 hPa	10.0 miles / 16.1 kilometers	West	5.8 mph / 9.3 km/h / 2.6 m/s	-	N/A	O
8:53 PM	61.0 °F / 16.1 °C	53.1 °F / 11.7 °C	75%	29.87 in / 1011.3 hPa	10.0 miles / 16.1 kilometers	West	6.9 mph / 11.1 km/h / 3.1 m/s	-	N/A	O
9:53 PM	60.1 °F / 15.6 °C	52.0 °F / 11.1 °C	75%	29.86 in / 1011.2 hPa	10.0 miles / 16.1 kilometers	WNW	4.6 mph / 7.4 km/h / 2.1 m/s	-	N/A	O
10:53 PM	60.1 °F / 15.6 °C	51.1 °F / 10.6 °C	72%	29.86 in / 1011.1 hPa	10.0 miles / 16.1 kilometers	Calm	Calm	-	N/A	O
11:53 PM	60.1 °F / 15.6 °C	51.1 °F / 10.6 °C	72%	29.86 in / 1011.2 hPa	10.0 miles / 16.1 kilometers	West	4.6 mph / 7.4 km/h / 2.1 m/s	-	N/A	O

Copyright © 2008 The Weather Underground, Inc.

EXHIBIT D

Report to Congress

Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate

National Highway Traffic Safety Administration

Motor Vehicle Trunk Entrapment

February 2000

U.S. Department of Transportation

TABLE OF CONTENTS

EXECUTIVE SUMMARY
CHAPTER 1 INTRODUCTION
CHAPTER 2 UNDERSTANDING THE PROBLEM SIZE
CHAPTER 3 UNDERSTANDING THE PROBLEM
CHAPTER 4 EXPERT PANEL ON TRUNK ENTRAPMENT
CHAPTER 5 NHTSA'S ACTION REGARDING THE PANEL'S RECOMMENDATIONS
APPENDIX A TRUNK ENTRAPMENT REPORT, JUNE 3, 1999
APPENDIX B EXPERT PANEL ON TRUNK ENTRAPMENT RECOMMENDATIONS, JUNE 1999
APPENDIX C NOTICE OF PROPOSED RULEMAKING

EXECUTIVE SUMMARY

In June 1998, through the Transportation Equity Act for the 21st Century, Congress directed the National Highway Traffic Safety Administration (NHTSA) to study the benefits of a regulation to require the installation in a motor vehicle of an interior device to release the trunk lid. The safety hazard to be mitigated by an interior trunk release device is "motor vehicle trunk entrapment," i.e., providing a means to allow trunk entrapment victims to escape from the trunk of a motor vehicle.

In September 1998, NHTSA began to gather information on the issue of trunk entrapment. It was determined that to develop an effective solution, especially for children, it is necessary to understand the cognitive and behavior abilities of young children who are frightened and in the dark. Other issues include trunk release location and possible power requirements to illuminate the trunk release mechanism. After considering a broad array of issues associated with motor vehicle trunk entrapment, NHTSA decided that instead of having the government spend substantial time and resources developing a solution on its own, a more effective way of quickly addressing and understanding the issue might be to bring business, government and civic leaders, medical and engineering researchers, safety advocates, and other organizations together to work to prevent trunk entrapments.

In November 1998, NHTSA asked Dr. Heather Paul of the National Safe Kids Campaign to chair an Expert Panel for the purpose of developing recommendations and strategies for addressing the issue of deaths and injuries resulting from motor vehicle trunk entrapment. The panel studied a range of possible solutions including interior trunk latches and warnings or other means to prevent entrapments. The group assessed the need for education programs to alert parents and children to the risk of trunk entrapment.

In June 1999 the Panel, composed of industry, safety advocates, medical experts, law enforcement, and other relevant groups, reached consensus on recommendations related to data collection, education, engineering and evaluation. The Panel also recommended that NHTSA require all new vehicles with trunks to be equipped with a release latch inside the trunk compartment beginning January 1, 2001. The intended purpose is to give children and others who find themselves trapped inside a car trunk a chance to get out of the trunk alive. NHTSA concurs with the Panel's recommendations and among other things, published a Notice of Proposed Rulemaking (NPRM) in the Federal Register on December 17,1999. [See Appendix C for the NPRM].

REPORT TO CONGRESS
Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate

---

CHAPTER 1 INTRODUCTION

On June 9,1998, through the Transportation Equity Act for the 21st Century, Congress directed the National Highway Traffic Safety Administration (NHTSA) to:

> STUDY - The National Highway Traffic Safety Administration shall conduct a study of the benefits to motor vehicle drivers of a regulation to require the installation in a motor vehicle of an interior device to release the trunk lid. Not later than 18 months after the date of enactment of this Act, the Administration shall submit a report on the results of the study to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

This report responds to the congressional directions to study the benefits of a regulation to require the installation of an interior device to release the trunk lid. NHTSA has concluded that the rationale associated with a requirement for an interior trunk release device is the safety hazard of motor vehicle trunk entrapment, i.e., providing a means to allow trunk entrapment victims to escape from the trunk of a motor vehicle. The report provides a comprehensive summary of the activities conducted in support of the study.

CHAPTER 2 UNDERSTANDING THE PROBLEM SIZE

In September 1998, NHTSA began to gather information on the issue of trunk entrapment. In an attempt to determine the problem size and gather data on the annual number of incidents (including incidents of death and injury) involving individuals who are locked in the trunk of an automobile, NHTSA examined all of its motor-vehicle-related databases and data collection systems, and contacted four other federal agencies.

NHTSA has an extensive motor vehicle traffic data collection system, which includes its Fatality Analysis Reporting System (FARS) and its National Automotive Sampling System/General Estimates System (GES). Both systems were designed and developed by NHTSA's National Center for Statistics and Analysis (NCSA) to provide an overall measure of highway safety, to help identify traffic safety problems, to suggest solutions, and to help provide an objective basis on which to evaluate the effectiveness of motor vehicle safety standards and highway safety initiatives. Data from these systems are used to answer requests for information from the international and national highway traffic safety communities, including state and local governments, the Congress, Federal agencies, research organizations, industry, the media, private citizens, and the NHTSA engineering and management staff.

To be included in the FARS database, a motor vehicle must be involved in a crash while traveling on a trafficway customarily open to the public, and must result in the death of an occupant of a vehicle or non-motorist within 30 days of the crash. To be eligible for the GES sampling data base, a police report must be completed for the crash, and the crash must involve at least one motor vehicle traveling on a trafficway and result in property damage, injury, or death.

Neither of these databases has any incidents of trunk entrapment. By restricting the attention of FARS and the GES to police-reports involving a crash on a trafficway customarily open to the public, these NHTSA databases are not a surveillance system of motor vehicle trunk entrapments or any other motor vehicle related hazard that is not a result of a collision on the publicway. Thus, it is not surprising that neither of these databases has any incidents of trunk entrapments.

NHTSA also examined its Hotline Complaint data file which consists of a descriptive listing of vehicle and equipment problems reported by consumers. The complaint database includes statements made by consumers in letters and/or vehicle owner questionnaires which were forwarded to the agency. This database was searched for complaints regarding the trunk lid and door assembly, and locks and latches. The period examined was from January 1989 to August 1998. During that period NHTSA received 35 complaints regarding trunk lids failing to properly remain open or inadvertently closing. The file records contained one case involving two young children who died after apparently climbing into the trunk of a motor vehicle during a hot day in July 1993. The children apparently closed the trunk lid and both children, ages 3 and 5, died as a result of hyperthermia/asphyxiation.

Other Federal databases were also lacking in information on non-crash vehicles related events. The Consumer Product Safety Commission (CPSC) has a number of data files that have been helpful to NHTSA over the years. The best data source for NHTSA has been CPSC's National Electronic Injury Surveillance System (NEISS). NEISS is a nationally representative sample of product-associated injuries treated in 91 of the Nation's 6,127 hospital emergency rooms. However, one shortcoming of the NEISS data for NHTSA's purposes is that NEISS does not routinely collect data about injuries associated with motor vehicles. When NEISS collects data about motor vehicle-related injuries, it is the result of an agreement between NHTSA and CPSC and limited to particular types of motor vehicle-related injuries. There was no such interagency agreement to gather data on injuries from trunk entrapment.

NHTSA contacted the Federal Bureau of Investigation (FBI) to obtain FBI statistical data concerning the number of incidents that occur annually involving individuals who are locked in the trunk of an automobile as a result of some type of criminal activity such as car-jacking, kidnaping, robbery, abduction, etc. NHTSA was advised that the FBI's database reporting system is not specific enough to link criminal activities such as car-jacking, kidnaping, abduction, etc., with events like motor vehicle trunk entrapments.

NHTSA also contacted the National Center for Health Statistics (NCHS), with whom it has an agreement involving death certificates. NCHS death certificate information is linked to NHTSA's FARS files for crashes, but there was no link for non-crash deaths.

On October 16, 1998, the American Automobile Manufacturers Association (AAMA) forwarded to NHTSA a letter on the subject of trunk entrapment that enclosed information on an Internet search of trunk entrapment related stories over the past 8 years. The AAMA data contained information on 16 deaths of children in 7 incidents of unintentional entrapment from 1987 through 1998. Twelve cases of intentional entrapment of children in trunks were found for the period 1987 through 1998 (4 deaths). There were 28 cases of intentional entrapment of adults in trunks from 1987 through 1998 (5 deaths).

There are only a few studies and samples of trunk entrapment. On December 4, 1998, the Centers for Disease Control (CDC) published a paper in the Morbidity and Mortality Weekly Report, titled, *Fatal Car Entrapment Involving Children -- United States, 1987 - 1998.* The source of information for the CDC paper was the LEXIS-NEXIS database. The CDC used the LEXIS-NEXIS database to search for media reports (newspapers, magazines, wire services, and broadcast transcripts) of motor vehicle trunk entrapments involving death(s) of children. The CDC reported that a total of 19 children six years of age or less died in nine incidents of motor vehicle entrapment from 1987 to 1998; an average of approximately 2 child deaths and one incident each year. The cause of death for all children was either hyperthermia (heat stroke) or a combination of hyperthermia and asphyxiation.

On December 15, 1998, NHTSA received a spreadsheet and a brief documentation file from the Trunk Releases Urgently Needed Coalition (TRUNC). TRUNC is an organization whose mission is to make it mandatory for all automobile manufacturers to install a trunk release device inside the trunk of their vehicles. At that time, the TRUNC file included 703 records, reports of trunk entrapments in the United States and Canada, restricted to cases of victims who were alive when they entered the trunk. In the category of unintentional trunk entrapment TRUNC listed 20 fatalities in 10 incidents: 19 children and a 77 year old who was trapped in the trunk while installing speakers. The largest available database on intentional trunk entrapment involving criminal activity resides with TRUNC.

The TRUNC spreadsheet shows 137 fatal incidents of criminal trunk entrapment. The spreadsheet also shows a total of 147 deaths associated with criminal trunk entrapment. Half of all fatal cases are reported to have occurred during the years 1991 through 1998.

A NHTSA report which includes a detailed examination of the available statistics on the number of individuals who died as a result of inadvertently locking themselves in the trunk of a motor vehicle and on the number of incidents of individuals being intentionally locked in a motor vehicle trunk is provided herein this report as Appendix A, *Trunk Entrapment Report, June 3, 1999.*

CHAPTER 3 UNDERSTANDING THE PROBLEM

In general, it appears that the victims of trunk entrapment include two distinct categories: (1) people who are intentionally locked in a motor vehicle trunk by criminals and (2) children who inadvertently lock themselves in the trunk. In order to design an effective solution especially for children it is necessary to understand the cognitive and behavior abilities of young children who are frightened and in the dark. Other issues include trunk release location and possible power requirements to illuminate the trunk release mechanism. Any solution that would benefit children would also benefit adults.

During the review of the available data on trunk entrapment NHTSA discovered that the method of trunk entry varied for the children who inadvertently locked themselves in the trunk, i.e., some used keys to open the trunk, while others got into the trunk without using the key-either a driver's side trunk release lever or a manual release on the trunk itself was present. Trunk entrapment also is possible by entering through the opening of fold-down rear seat backs that latch when subsequently closed. In one case the trunk was left open. In some cases the method of trunk entry could not be determined. The CDC paper reported that at least 15 children died during an eleven year period in cars parked either at their house or at a relative's house. In the trunk entrapment deaths reported by the CDC the outside temperature varied from 85F (29.4C) to 106F (41.1C). The amount of time that the involved children were missing varied from 1 hour to 8 hours. There was one incident where information on the amount of time missing was not available. The cause of death for all children was either hyperthermia (heat stroke) or a combination of hyperthermia and asphyxiation.

Heatstroke (hyperthermia) is a medical emergency and is often fatal despite medical care. Heatstroke is usually designated when the rectal or core temperature reaches 105F (40.6 C). The CDC paper indicated that cars parked in direct sunlight can reach internal temperatures up to 131F - 172 F(55C - 78C) when the outside temperatures are 80F - 100F (27C - 38C). Cars that are parked in direct sunlight and that are poorly ventilated also reach higher temperatures more rapidly than cars that are parked in the shade or that have windows completely opened. Most temperature increases inside cars occur during the first 15 minutes of being left in the sun.

The major mechanism for heat loss by the body in high ambient temperature is evaporation. This mechanism is quickly defeated in the rising humidity of closed car trunks. Younger children are more sensitive to heat than older children or adults and are at greater risk for heatstroke. The combination of high temperature, humidity, and poor ventilation all contribute to the extreme danger of car trunks.

CHAPTER 4 EXPERT PANEL ON TRUNK ENTRAPMENT

Considering the broad array of issues associated with motor vehicle trunk entrapment, NHTSA decided that instead of having the government spend substantial time and resources developing a solution on its own, a more effective way of quickly addressing and understanding the issue might be to bring business, government and civic leaders, medical and engineering researchers, safety advocates, and other organizations together to work to prevent trunk entrapments. To accomplish this, NHTSA decided to ask that an independent organization volunteer to convene an independent panel of experts. The Expert Panel on Trunk Entrapment would consist of representatives from various industries, including vehicle manufacturers, law enforcement groups, experts in child psychology and behavior, child safety advocates, the medical community, other Federal government agencies, and others interested entities.

In November 1998, Dr. Ricardo Martinez, former Administrator of NHTSA, asked Dr. Heather Paul of the National Safe Kids Campaign to chair, establish, and convene an Expert Panel for the purpose of developing recommendations and strategies for addressing the issue of deaths and injuries resulting from motor vehicle trunk entrapment.

Among other things, the panel studied a range of possible solutions including interior trunk latches and warnings or other means to prevent entrapments. The group assessed the need for education programs to alert parents and children to the risk of trunk entrapment.

The Expert Panel on Trunk Entrapment met three times over a period of four months. At the conclusion of the third Panel meeting, the Panel reached consensus on recommendations related to data collection, education, engineering and evaluation. The panel also voted for an enactment recommendation. With better education related to car safety and crime prevention, promotion of retrofit kits, and the installation of internal trunk release in all new motor vehicles, the panel hopes to accomplish its mission of avoiding any more deaths and injuries from trunk entrapments. A list of Panel members including details regarding the recommendations is provided, herein, this report in Appendix B, *Expert Panel on Trunk Entrapment Recommendations, June 1999.*

In summary, the Panel's recommendations were as follows:

- Data Collection

The Panel recommendations are that NHTSA should work with others to establish a national data system designed to measure the frequency and consequence of trunk entrapment, and that NHTSA should seek, and Congress should provide, adequate resources to establish and maintain this national data system.

- Education

The Panel recommendations are that vehicle manufacturers should include information on trunk safety in the vehicle owner's manuals, warning labels and/or safety hang tags for all cars with trunks, and the public and private organizations should develop and disseminate new material and augment existing material to include trunk entrapment prevention and other safety measures regarding children and adults in and around cars.

- Engineering

The Panel recommendations are: (1) automobile manufacturers should voluntarily develop trunk safety retrofit kits, including internal trunk release mechanisms, by summer 2000 for as many earlier model vehicles as feasible, (2) retrofit kits should be marketed, promoted and made available to the public at reduced cost or free of charge, (3) all automobile manufacturers should design and install trunk safety features, including internal trunk release mechanisms, into all new vehicles by January 1, 2001, (4) all new designs and retrofit kits should be based upon the cognitive and physical abilities of young children, and (5) the Society of Automotive Engineers should begin work to develop a recommended practice for the design and performance of trunk safety features, including internal trunk release mechanisms.

- Enactment

The Panel concluded a government standard is needed to hold the industry accountable for taking action, yet allow manufacturers the freedom to decide upon optimal design solutions. The panel's recommendation is that NHTSA should issue a standard requiring vehicles to be equipped with internal trunk release mechanisms.

- Evaluation

The Panel recommended that it reconvene by December 2000 to assess the progress made with respect to its recommendations.

CHAPTER 5 NHTSA'S ACTION REGARDING THE PANEL'S RECOMMENDATIONS

NHTSA concurs with the recommendations of the Expert Panel and is working with the National Center for Health Statistics to establish a national data system for some non-crash-related motor vehicle deaths including trunk entrapment. NHTSA's FY 2001 budget request for Safety Performance Standards asks for $200,000 to establish and maintain such a data system. Regarding the Panel's recommendation with respect to an educational campaign, NHTSA, in partnership with the American Automobile Association (AAA) and other national safety organizations and health communities, has established programs to disseminate child safety and trunks information to the public and parents of young children. Concerning the recommendation for enactment of a government standard, NHTSA published a Notice of Proposed Rulemaking in the Federal Register on December 17, 1999. The notice proposed a requirement that all new vehicles with trunks come equipped with a release latch inside the trunk compartment beginning January 1, 2001. A copy of the Notice of Proposed Rulemaking is provided, herein, this report as Appendix C.

NOTE: Appendices are available at DOT Docket No. NHTSA-1999-5063